

REMARKS

The Examiner has required restriction in the above-identified application as follows:

- Group I: Claims 1-31 and 53-58, drawn to a solid support containing a chemiluminescent quantum yield enhancing material comprised of an quaternary onium polymer as defined in Claim 2 and multiple probes, kits containing the support, and a method of modifying a support;
- Group II: Claims 25-31, drawn to a method of modifying the surface of a solid support using a quaternary onium compound as defined in Claim 27;
- Group III: Claims 32-46 and 52, drawn to a multi-layer solid support containing a microgel layer, methods of using the support in assays, and kits;
- Group IV: Claims 47-52, drawn to a multi-component assay kit containing a single layer quaternized azlactone functional polymer; and
- Group V: Claims 59-67, drawn to a method of preparing a solid support using a shrinkable backing material (unspecified type of “chemiluminescent quantum yield enhancing material”).

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-31 and 53-58, for further prosecution at this time.

The basis for Applicants’ traversal is that there is no undue burden on the Examiner.

Section 803 of The Manual of Patent Examining Procedure states that “[i]f the search and

examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants respectfully submit that all the claims in the instant application are related to a solid support comprising a functional polymer layer optimized for chemiluminescent detection. For example, Claims 1-31 and 53-58 of Group I are drawn to a solid support comprising a functional polymer layer and a plurality of probes for a biopolymer target. Claims 47-51 of Group IV are drawn to a method of conducting a chemiluminescent assay using a solid support comprising a functional polymer layer, and Claims 32-46 of Group III are drawn to a solid support comprising a functional polymer layer and a cationic microgel layer that enhances the diffusion of chemiluminescent reporter molecules through the functional polymer layer (see page 22, lines 5-14). Similarly, Claims 59-67 of Group V are drawn to methods for making the solid support of Claim 1 but with a shrinkable backing material.

In view of the foregoing, Applicants respectfully request reconsideration of the requirement for restriction and continued prosecution on the merits of all claims in this application.


However, in the event that the Examiner chooses not to reconsider the restriction requirement, Applicants elect Group I, Claims 1-31 and 53-58, with traverse, for examination on the merits. Applicants further reserve the right to file one or more divisional applications to the non-elected subject matter, if they so wish.

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Michael Ye at the telephone number listed below.

Respectfully submitted,

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